

1 MORGAN, LEWIS & BOCKIUS LLP  
Eric Meckley, Bar No. 168181  
2 eric.meckley@morganlewis.com  
Brian D. Berry, Bar No. 229893  
3 brian.berry@morganlewis.com  
One Market, Spear Street Tower  
4 San Francisco, CA 94105  
Tel: +1.415.442.1000  
5 Fax: +1.415.442.1001

6 Attorneys for Defendant  
7 TWITTER, INC.

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 EMMANUEL CORNET, JUSTINE DE  
CAIRES, GRAE KINDEL, ALEXIS  
14 CAMACHO, AND JESSICA PAN, on behalf of  
themselves and all others similarly situated,

15 Plaintiffs,

16 v.

17 TWITTER, INC.,

18 Defendant.  
19

Case No. 3:22-cv-06857-JD

**DEFENDANT TWITTER, INC.'S  
OBJECTION AND REQUEST TO  
STRIKE PLAINTIFFS' REPLY BRIEF**

1 **I. ARGUMENT**

2 This Court has published a “STANDING ORDER FOR CIVIL CASES BEFORE JUDGE  
3 JAMES DONATO” (“Standing Order”), available on the Court’s webpage at:  
4 [https://www.cand.uscourts.gov/wp-content/uploads/judges/donato-jd/JD\\_Standing-Order-For-](https://www.cand.uscourts.gov/wp-content/uploads/judges/donato-jd/JD_Standing-Order-For-Civil-Cases-Before-Judge-Donato.pdf)  
5 [Civil-Cases-Before-Judge-Donato.pdf](https://www.cand.uscourts.gov/wp-content/uploads/judges/donato-jd/JD_Standing-Order-For-Civil-Cases-Before-Judge-Donato.pdf). Twitter assumes the Court published its Standing Order  
6 with the intent that parties in civil matters comply with its requirements. To that end, the  
7 Standing Order states: “Counsel are required to read and comply with this order, this Court’s  
8 Standing Orders for Discovery in Civil Cases and Civil Jury Trials, and the Northern District’s  
9 Civil Local Rules.” The Standing Order also states, in pertinent part, as follows:

10 **18. Except for summary judgment and class certification motions, opening and**  
11 **opposition briefs may not exceed 15 pages, and reply briefs may not exceed 10**  
12 **pages.** For summary judgment and class certification motions, opening and  
13 opposition briefs may not exceed 25 pages, and reply briefs may not exceed 15  
14 pages. (bold emphasis in original).

15 Plaintiffs violated the Court’s Order by filing a **15-page** Reply brief in support of their  
16 Motion for Protective Order. ECF No. 30. Twitter has strictly adhered to the Court’s rules;  
17 Plaintiffs have not -- repeatedly.<sup>1</sup> The five full pages of argument in Plaintiffs’ Reply beyond the  
18 10 pages authorized by the Court should be stricken and disregarded entirely by the Court.  
19 Otherwise, Twitter would be unfairly prejudiced by its efforts to follow the Court’s rules while at  
20 the same time Plaintiffs would reap the benefits of their repeated failures to comply.

21 Dated: November 23, 2022

MORGAN, LEWIS & BOCKIUS LLP

22 By /s/ Eric Meckley

23 Eric Meckley  
24 Brian D. Berry

25 Attorneys for Defendant  
26 TWITTER, INC.

27 <sup>1</sup> Plaintiffs violated Northern District of California, Civil Local Rule 6-3(b)’s 5-page limit on  
28 briefs related to motions to change time by filing a **7-page** opposition to Twitter’s motion to  
change time. *See* ECF No. 24. In addition, Plaintiffs’ original Motion was **18 pages** long. *See*  
ECF No. 7. While it is true that Plaintiffs filed this Motion prior to the case be reassigned to the  
Honorable Judge Donato, Defendant Twitter nonetheless still had to comply with this Court’s  
shorter 15-page limit when filing its opposition to the 18-page motion.